

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOV 10 2004

REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTALAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/917,662
Filing Date	07/31/2001
First Named Inventor	HORIGUCHI et al
Art Unit	1746
Examiner Name	J. Crepeau
Attorney Docket Number	EQU-C114

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered

and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.
- ☒
- Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ii. ☐ Other _____

- b.
- ☒
- Enclosed

i. ☒ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/Declaration(s)iv. ☐ Other _____2. **Miscellaneous**

- a.
- ☐
- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b.
- ☒
- Other
- Three Month Extension of Time Attached**

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.
- ☒
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.
- 12-2174**

i. ☐ RCE fee required under 37 CFR 1.17(e)

11/12/2004 EABUBAK1 00000099 09917662

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

01 FC:1801

790.00 DP

iii. ☒ Other **As needed**

- b.
- ☐
- Check in the amount of \$ _____ enclosed

- c.
- ☒
- Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

George A. Loud, Esquire

Registration No. (Attorney / Agent)

25,814

Signature

Date

10 NOV 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

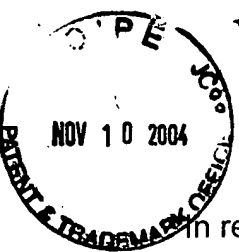
Name (Print / Type)

Signature

Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HORIGUCHI et al

Serial No.: 09/917,662

Filed: July 31, 2000

For: FUEL CELL SYSTEM

)

)

) Examiner: Crepeau

)

) Art Unit: 1746

)

)

)

)

)

RESPONSE TO ADVISORY ACTION ACCOMPANYING RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the remarks of the Advisory Action dated August 16, 2004.

In the paragraph spanning pages 8 and 9 of applicants' response filed August 5, 2004, applicants noted:

None of the references of record suggest use of a cathode body with a film of a platinum group catalyst on the surface of the cathode facing an electrolyte membrane. Further, to the extent that the teachings of Allen et al are relevant to this point, they would suggest rendering the catalyst film hydrophobic, rather than the body of the cathode, i.e., a cathode structure the reverse of that recited by claim 1 as amended.

It is noted that the examiner's remarks do not address the above-quoted argument.